

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JUNE 20, 2007**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-19670 - APPLICANT: TCR-SOUTHWEST - OWNER: COHEN 1969 TRUST**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0-1/rt vote) recommends APPROVAL, subject to:

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-19673), and Variance (VAR19672) shall be required.
2. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. Prior to the issuance of the Building Permit revised site plans and elevations depicting perimeter wall/fence heights shall be submitted to the Planning and Development Department to ensure compliance with Title 19 – Section 19.08.040.
4. All development shall be in conformance with the site plan, landscape plan, and building elevations date stamped 2/06/2007 except as amended by conditions herein.
5. The minimum distance between buildings shall be 20 feet.
6. The setbacks for this development shall be 20 feet along the front, 25 feet along the road between the existing commercial use and the project site, 5 feet along the interior property line, 20 feet along Cheyenne Avenue, and 20 feet along Roland Street.
7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

9. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
10. Air conditioning units shall not be mounted on rooftops.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

14. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the (ITS Infrastructure Improvements Corridor Phase 3) project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
15. The proposed gated driveway shall be designed, located and constructed in accordance with Standard Drawing #222a and shall align with the driveway on the west side of Jones Boulevard. This driveway must also receive approval from the Nevada Department of Transportation.
16. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Jones Boulevard and Cheyenne Avenue public rights of way adjacent to this site.
17. A Homeowners' Association or Landscape Maintenance Association shall be established to maintain all private roadways, landscaping and common areas created with this development. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

18. Provide a copy of a recorded joint access agreement between this site and Assessor's Parcel No. 138-13-101-005 prior to the issuance of any permits.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this site prior to submittal of any construction drawings.
20. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-19673 and all other applicable site-related actions.

## \*\* STAFF REPORT \*\*

### PROJECT DESCRIPTION

The project is a request for a Site Development Plan Review for a 161-unit multi-family development on 6.30 acres at 3132 North Jones Boulevard, southeast of the intersection of Cheyenne Avenue and Jones Boulevard. The project is comprised of ten 2 and 3 story buildings comprised of 1, 2, and 3 bedroom residential units, a clubhouse, pool, common area openspace, uncovered and covered parking, garages, designated ADA accessible units, and related hardscape and landscape improvements. Companion items to be considered concurrently with this application request include a Rezone (ZON-19673) and Variance (VAR-19672).

### BACKGROUND INFORMATION

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/06/06	The City Council considered a request for a General Plan Amendment (GPA-14354), Rezoning (ZON-14356), and Site Development Plan Review (SDR-14352) for a proposed 161-unit condominium development on 7.1 gross acres at 3132 North Jones Boulevard. Planning Commission and staff recommended denial. City Council approved the project subject to conditions.
10/27/97	The City Council approved a Rezoning (Z-86-97) from U (Underdeveloped) Zone [SC (Service Commercial) General Plan Designation] to C-1 (Limited Commercial) for development of a 16,708 square foot drugstore. Planning Commission and staff recommended approval.
06/15/94	The City Council considered a request for reclassification (Z-41-94) of property located on the southeast corner of Cheyenne Avenue and Jones Boulevard from N-U (Non-Urban) to C-1 (Limited Commercial). City Council, Planning Commission, and staff recommended approval.
05/24/07	<p>The Planning Commission recommended approval of companion items ZON-19673 and VAR-19672 concurrently with this application.</p> <p>The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #32/ja).</p>
<b><i>Related Building Permits/Business Licenses</i></b>	
None	
<b><i>Pre-Application Meeting</i></b>	
01/24/07	A Pre-Application conference was held with the applicant and staff advised of the openspace requirements.
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting is not required for this application type nor was one held.	

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	7.36 Acres
Net Acres	6.30 Acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant	M (Medium Density Residential)	C-1 (Limited Commercial) under ROI (ZON-14356)
North	Commercial and Parking	SC (Service Commercial)	C-1 (Limited Commercial)
South	Multi-family Residential	U (Undeveloped) M (Medium Density Residential)	U (Undeveloped) M Medium Density Residential
East	Single Family Residential	Single Family Residential	Unincorporated Residential area
West	Vacant lot and Commercial	(SC) Service Commercial	C-1 (Limited Commercial) U (Undeveloped) SC (Service Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
R-PD (Residential Planned Development) District	X		Y
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	Y
<b>Rural Preservation Overlay District</b>		X	Y
<b>Development Impact Notification Assessment</b>		X	Y
<b>Project of Regional Significance</b>		X	Y

## DEVELOPMENT STANDARDS

*Pursuant to Title 19.06, the development standards shall be established upon the approval of the Rezoning and Site Development Plan Review for each Planned Development District.*

<b>Standard</b>	<b>Requested R-PD</b>
Min. Lot Size	NA
Min. Lot Width	300 feet
Min. Setbacks	
• Front	20 feet
• Side	5 feet (south property line) 25 feet (along private road),

• Corner	20 feet (along Cheyenne Avenue)
• Rear	20 feet
Min. Distance Between Buildings	20 feet
Max. Building Height	3 stories/40 feet

*In accordance with Title 19 – Section 19.08.060 the following Residential Adjacency Standards apply to the project:*

<b>Residential Adjacency Standards</b>	<b>Required/Allowed</b>	<b>Provided</b>	<b>Compliance</b>
3:1 proximity slope	<u>East Property Line</u> 120 feet	<u>East Property Line</u> 120 feet	Y
	<u>West Property Line</u> 69 feet	<u>West Property Line</u> 80 feet	Y
	<u>West Property Line</u> 120 feet	<u>West Property Line</u> 120 feet	Y
Adjacent development matching setback	YES	YES	Y
Trash Enclosures	50 feet	120 feet 75 feet 127 feet	Y

<b>Existing Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
U (Undeveloped) M (Medium Density Residential General Plan Designation)	25.49 Units Per Acre (GPA designation)	161
<b>Proposed Zoning</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
R-PD25 (Residential Planned Development - 25 Units Per Acre)	25.00 Units Per Acre	161
<b>General Plan</b>	<b>Permitted Density</b>	<b>Units Allowed</b>
M (Medium Density Residential)	25.49 Units Per Acre	161

*Pursuant to Title 19 – Section 19.12 the following landscape standards apply:*

<b>Landscaping and Open Space Standards</b>				
<b>Standards</b>	<b>Required</b>		<b>Provided</b>	<b>Compliance</b>
	<b>Ratio</b>	<b>Trees</b>		
Parking Area	1 Trees/6 Space	17 islands with 17 Trees	19 island with 19 trees	Y
Buffer: Min. Trees	1 Trees/20 Linear Feet	98 Trees	90	N
<b>TOTAL</b>				
Min. Zone Width	10 Feet along Public Right-of-Way 6 feet along interior lot lines		15 feet 6 feet	Y

Wall Height	4 Feet with top 2 feet open visibility along front property line 8 Feet along interior lot lines	Unknown	N
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*Pursuant to Title 19 – Section 19.06.040 the following openspace standards apply:*

<b>Open Space – R-PD only</b>							
<b>Total Acreage</b>	<b>Density</b>	<b>Required</b>			<b>Provided</b>		<b>Compliance</b>
		<b>Ratio</b>	<b>Percent</b>	<b>Area</b>	<b>Percent</b>	<b>Area</b>	
6.30 acres (274,428 square feet)	25.5 du/acre	1.65	42%	115,869 square feet (2.66 acres)	25%	68,824 square feet (1.58 acres)	N*

\*Companion Variance (VAR-19672) shall be considered with this request to allow reduction of required openspace.

*Pursuant to Title - Section 19.10, the following parking standards apply:*

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Multi-Family Residential	Studio and One Bedroom Units - 75 units	1.25 spaces per unit	94		94		Y
	Two Bedroom Units - 70 units	1.75 spaces per unit	122		122		Y
	Three Bedroom and Above Units - 15 units	Two spaces per unit	30		30		Y
Guest parking	161 units	1 guest space for every 6 units	27		32		Y
SubTotal			273		278		Y

<b>ADA Accessible</b>	3 units	1 space for each ADA accessible unit		3		5	Y
<b>TOTAL</b>			273		278		Y

<b>Waivers</b>		
<b>Request</b>	<b>Requirement</b>	<b>Staff Recommendation</b>
Perimeter Landscaping	1 tree per 20 lineal feet 98 trees 90 provided	Deny

## ANALYSIS

The project will result in a Residential Planned (Multi-Family) Development composed of 161 1, 2, and 3 bedroom units with associated landscape and hardscape improvements on a 6.30 net acre site. The project site is bounded by Jones Boulevard to the west, a private drive north and west of the site between an existing commercial/retail structure and the project site; Cheyenne Avenue to the north, Rowland Street and Clark County residential land to the east, and multi-family residential development to the south.

- **General Plan and Zoning**

The project site is zoned as U (Undeveloped) M (Medium Density Residential – General Plan Designation)] Zone under Resolution of Intent to R-PD25 (Residential Planned Development - 25 Units Per Acre). The proposed Rezone (ZON-19673) is to R-PD25 (Residential Planned Development - 25 Units Per Acre) which is consistent with the allowable density (25.49 Units Per Acre) for the Medium Density Residential Land Use category. Per Title 19.06 the R-PD (Residential Planned Development) District is intended to provide for flexibility and innovation in residential development, with an emphasis on enhanced amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns.

While the density of the proposed development meets the requirements of the M (Medium Density Residential) Land Use Designation, the lack of open space for the development fails to meet the requirements of the Residential Planned Development category and therefore, is not considered to meet the intent of the General Plan. Staff recommendation is for denial.



- **Site Plan**

The site plan proposes a gated community with 10 buildings including a clubhouse with swimming pool and cabana, 2 and 3 story residential structures, lofts over garages, related hardscape and landscape improvements, surface parking, and community openspace. A total of 280 surface parking spaces comprised of covered (carports and garages) and uncovered spaces will be provided on-site in conformance with residential parking requirements. Three units will be designated as ADA (Americans with Disabilities Act) accessible and required ADA parking is included. The development standards for Residential Planned Developments are established upon approval of the Rezone and associated Site Development Plan Review for this project.

- **Landscape Plan**

The project landscaping buffers comply with Title 19 requirements for multi-family residential development. Perimeter trees do not meet the minimum required as 98 are required where 90 are proposed. Furthermore, openspace will not meet minimum requirements of Title 19 – Section 19.06.040. A companion Variance (VAR-19672) to allow a reduction of openspace will be considered with this request.

- **Elevations/Residential Adjacency**

The proposed structures will utilize earth tone stucco and trim with limestone accents and Spanish tile roofing. The building heights will range between 40 feet high within the interior of the site and along Jones Avenue, and 23 feet high adjacent to Rowland Street and existing off-site single family residences. As such the proposal requires conformance to the Residential Adjacency Standards (RAS) of Title 19 - Section 19.08.060. The existing single families residences along Rowland Street are within Clark County yet the loft structures proposed along this corridor are subject to City RAS. Single family uses are also located west of the development site on Heather Mist Lane at Jones Avenue. A proximity slope analysis was prepared which determined the proposed structures will be within the slope envelope at these two areas thereby complying with the RAS setbacks.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The primary issue with the development is the lack of required open space. Openspace is an integral part of the R-PD (Residential Planned Development) zone the developer receives flexibility in design and density for the provision of amenities, such as open space. When open space is not provided, the project does not meet the standards for the zoning district in which it is located. Furthermore, the project is designed to maximize the permitted density which will result in a development that is considered incompatible with the site area and adjacent single-family residences east of the subject parcel.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

Open space is an integral part of the R-PD (Residential Planned Development) zone, as the developer receives flexibility in design and density for the provision of amenities, such as open space. When open space is not provided the resultant effect is a project that does not meet the standards for the zoning district in which it is located.

The alternative for implementing a project which maximizes the allowable density is a proposal of imaginative layout and design and sufficiently addresses the intrinsic element of required open space. Clearly, this applicant wishes to have the density advantage offered by R-PD (Residential Planned Development) zoning without providing any offsetting benefit to the future residents.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The subject property abuts Jones Boulevard to the West, a primary arterial street that carries a substantial volume of vehicular traffic, and Rowland, a local street to the east. Since one can only access the development from Jones and not the local street Rowland, there is no concern for negative impacts on the neighborhood.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

Building and landscape materials are appropriate for the area and the City of Las Vegas.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

Building design characteristics are not unsightly and will be harmonious and compatible with development in the area.

6. “Appropriate measures are taken to secure and protect the public health, safety and general welfare.”

The proposed development would not endanger the public health or general welfare.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 1

**SENATE DISTRICT** 3

**NOTICES MAILED** 286 by Planning Department

**APPROVALS** 0

**PROTESTS** 1